



**MINUTES OF THE REGULAR MEETING OF  
THE EDINA PLANNING COMMISSION  
THURSDAY, SEPTEMBER 25, 2002, 7:30 P.M.  
EDINA CITY HALL COUNCIL CHAMBERS  
4801 WEST 50<sup>TH</sup> STREET**

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**MEMBERS PRESENT:**

Chair, Gordon Johnson, John Lonsbury, Ann Swenson, David Byron, Helen McClelland, David Runyan, Geof Workinger and Stephen Brown

**MEMBERS ABSENT:**

Lorelei Bergman

**STAFF PRESENT:**

Craig Larsen and Jackie Hoogenakker

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**I. APPROVAL OF THE MINUTES:**

The minutes of the August 28, 2002, meeting were filed as submitted.

**II. NEW BUSINESS:**

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**P-02-4                      Dairy Queen, Inc.  
7700 Normandale Boulevard**

**Request:                      Removal of existing restaurant building to construct  
DQ Grill & Chill**

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Mr. Larsen informed the Commission Dairy Queen, Inc. has purchased the existing Embers Restaurant building and is requesting a final development plan to permit razing the existing building and constructing a new DQ Grill and Chill. Mr. Larsen said the plans submitted for development also include the DQ sign. Mr. Larsen stated the sign requires variances and they can be granted at this hearing if recommended.

Mr. Larsen concluded staff recommends Final Development Plan approval subject to watershed district permits. Continuing, Mr. Larsen added staff supports a height variance with the sign height not to exceed 20 feet and sign area variance not to exceed 100 square feet.

Mr. Nick Sperides and John Russell were present representing the proponent, Dairy Queen, Inc.

Commissioner Swenson asked Mr. Larsen if parking complies with ordinance standards. Mr. Larsen responded parking for the proposed restaurant complies with ordinance standards. Expanding Mr. Larsen reported the restaurant has a seating capacity of 114 and has 11 employees working on the major shift, which creates the need for 51 spaces, 53 are provided.

Chairman Johnson said as he views the proposed signage he can understand why the Grill and Chill needs a sign over 8 feet in height. He pointed out this location is very unusual and traffic on Highway 100 would never see an 8 foot sign. Mr. Larsen agreed. He pointed out this site is unusual in the City and the zoning of the subject site is different from the adjoining properties. He pointed out the abutting properties, T.G.I. Fridays, and the Radisson Hotel are located in Bloomington and the adjoining service station that is located in Edina is zoned PCD-4, which is a different zoning than the subject site. Concluding, Mr. Larsen explained that is the reason staff could support a sign height variance, and sign area variance up to 100 square feet.

Commissioner Runyan questioned the height of the proposed sign on the plans submitted. Mr. Sperides responded the height of the sign in the photo is 22 feet. Mr. Sperides said Dairy Queen has no problem with the 20-foot height limit requested by staff, and will limit the sign to 20 feet.

Mr. Sperides addressed the Commission and said Dairy Queen is very excited about the introduction to casual dining along with the traditional Dairy Queen "treats" usually identified with Dairy Queen. Continuing, Mr. Sperides said in his opinion what is proposed is a plus for the site. With regard to the sign Mr. Sperides explained the 3 pieces of the sign(area) are crucial to Dairy Queen. Mr. Sperides told the Commission the proposed sign contains all the elements of the corporate image. Mr. Sperides reiterated Dairy Queen has no problem with the height limitation of 20 feet as recommended by staff.

Commissioner McClelland said while she supports the Final Development Plan she has trouble supporting the sign as proposed. She said she could support the freestanding sign at 20 feet as stipulated by staff. She added in her opinion eliminating the reader board is a potential way to reduce the sign area to stay within the 100 square feet stipulated by staff.

Mr. Sperides said he understands staff is supporting sign variances for the proposed sign and appreciates their support, but explained if the sign area of the sign is limited to 100 square feet crucial elements of the Dairy Queen traditional sign will be compromised or eliminated. He pointed out when the sign is measured according to City standards much of the sign area is "air space". He concluded the sign(s) is not a solid 145 square feet, and presented to the Commission a photo of how the proposed sign will look.

Commissioner McClelland reiterated she supports staff's position. She stated in her opinion Dairy Queen is already "getting a deal" with regard to signage. Commissioner McClelland added, again that this is just her opinion that the reader board could go.

Commissioner Byron commented it appears important to Dairy Queen that they retain all three elements of their sign and questioned the methodology behind eliminating the reader board.

Commissioner Workinger asked Mr. Larsen if the signs located on the proposed new building comply with sign ordinance standards. Mr. Larsen responded all wall signs comply with ordinance standards reiterating the proposed freestanding sign is the only sign that requires variances. Continuing, Mr. Larsen acknowledged a non-conforming freestanding sign has existed at this location (change to the sign ordinance created the non-conformity), but once a sign is removed (as in this case) the new sign must be erected in compliance with present ordinance standards.

Commissioner McClelland asked the representatives for Dairy Queen if Dairy Queen is planning on remodeling all DQ locations within the metro area. Mr. Sperides responded the goal is to renovate all locations. He explained this concept is just being introduced into this area and it is the goal of the corporate office to construct 12 new restaurants in this area over the next three years and remodel the existing 10. Mr. Sperides informed the Commission the corporate office for Dairy Queen is in Edina.

Commissioner McClelland added another concern she has is with traffic and if the traffic flow will be accommodated with the changes to this site. She said her concern is with the drive through and left turns. Mr. Larsen told the Commission the City Engineer, Wayne Houle has reviewed and approved the traffic plan as presented. Mr. Larsen said staff could have the Traffic Safety Committee review the plan if the Commission has reservations.

Commissioner Runyan asked Mr. Larsen to clarify for him how staff calculates sign area. Mr. Larsen explained our ordinance stipulates that the smallest rectangle which can be made to circumscribe a sign panel which bears the letters, message, symbol, logo or figure. In this instance the smallest rectangle is wrapped around all three signs, which measured 145 square feet. Staff is supporting only 100 square feet. Mr. Larsen acknowledged our ordinance may be difficult to understand because many would measure the square footage of each sign and add them together, but our ordinance does not operate that way. Concluding, Mr. Larsen reiterated when the existing pylon sign was removed that removal triggered compliance with the ordinance.

Commissioner Brown asked if DQ is more concerned with visibility from Highway 100 or the frontage road. Mr. Sperides responded both.

Commissioner Lonsbury noted on the proposed plans an outdoor seating area is depicted that seats 22 and asked Mr. Larsen if those 22 seats are reflected in the parking calculations. Mr. Larsen said City ordinance is silent on that point, and parking requirements are not increased to accommodate those spaces. He added a majority of City restaurants request out door seating during warmer months, and the City will review and approve out door seating if adequate space is provided. Continuing, Mr. Larsen pointed out the weather in Minnesota prohibits outdoor seating for the majority of the year and to date staff has not observed any issues with regard to outdoor seating at restaurant locations that provide this service during a limited time period.

Commissioner Byron asked what the height of the proposed building is. Mr. Sperides said the building height is 20 feet and if the parapet is included the height is around 22 feet.

Commissioner Swenson moved to recommend Final Development Plan approval subject to watershed district permits - approval is also conditioned on referring traffic flow to the Traffic Safety Committee. Commissioner Swenson moved to recommend sign variance approval to allow a freestanding sign not to exceed 20 feet in height with a sign area of not more than 100 square feet. Commissioner Lonsbury seconded the motion.

Commissioner Byron stated he couldn't support the motion as presented. He added he has no problem with the Final Development Plan but believes the sign variances should be granted as presented and revised by the proponent (20 foot height, 145 square foot sign area). Commissioner Byron said in considering variances in his opinion one must look at the environment and in this instance the City would be hard pressed to find a site with similar constraints. He pointed out the site abuts the City of Bloomington, a major highway, a frontage road and a PCD-4 zoned service station. Commissioner Byron said and again, this is just his opinion, that the 45 square foot difference in sign area would not be noticed.

He said eliminating one aspect of DQ Trademark (reader board) as suggested might not be a realistic request, and he is uncomfortable re-designing a sign.

Chairman Johnson said the position the Commission should take in granting variances would be that the site is different and unique.

Commissioner Byron said from the outset signage is unique and viewing signage creatively should be viewed as positive not negative.

Commissioner Runyan commented when he looks at the proposed sign he doesn't feel it is too massive because there is a lot of "air space" included in the measurement. Mr. Larsen said he agrees there is a lot of "air space" when measuring this sign and staff's position is that this site is unique which is why staff supports a 100 square foot sign area and a height variance. Concluding, Mr. Larsen said the final outcome is up to the Commission and Council. He reiterated staff does agree this is a unique site and hardships exist with regard to signage.

Commissioner McClelland pointed out the site is zoned PCD-2, which prohibits signs exceeding 8 feet in height. The staff has recommended that a height variance be granted recognizing a hardship. Commissioner McClelland pointed out what DQ is requesting is beyond staffs' recommendation. Continuing, Commissioner McClelland said in her opinion Highway 100 isn't a unique enough situation to support such a large sign area variance. She stated she is worried other commercial properties may request similar variances. Concluding, Commissioner McClelland said she doesn't think the message board is essential, and if it were removed the sign would meet with staffs recommendation.

Commissioner Workinger questioned if the message board will be backlit. Mr. Sperides said the board is backlit only where there is text.

Chairman Johnson called for the vote on Commissioner Swenson's motion to recommend Final Development Plan and sign variance approval subject to staff conditions. Ayes; Lonsbury, Swenson, McClelland. Nays; Byron, Runyan, Workinger, Brown and Johnson. Motion failed 3-5.

Commissioner Byron moved to recommend Final Development Plan approval subject to staff conditions and to recommend sign variance approval subject to the plans presented with the modification agreed to by the proponent that the sign height is 20 feet, not the depicted 22 feet. Commissioner Runyan seconded the motion.

Commissioner Brown said there appears to be confusion on the sign variances. Commission Runyan agreed, he added most of the confusion is focused around the sign area variance and the way our sign code reads.

Commissioner Lonsbury agreed the sign code may be interpreted differently, but in his opinion that is a different conversation. Commissioner Lonsbury said the focus of the Commission at this time appears to be either recommending approval or denial of a Final Development Plan with sign variances. Commissioner Lonsbury asked for guidance from the Chair, noting the Zoning Board usually hears variances, and questioning if the thought process is different at the Commission level.

Chairman Johnson said in his opinion the thought process with regard to variances is the same for both the Zoning Board and Commission. He said first staff determines that a variance is needed. When that is determined he said he looks at if there is a unique reason why a site can't be held to ordinance standards. Continuing, Chairman Johnson said his views may differ from some Commissioner's but in his opinion variances are not necessarily a bad thing, and each situation must be viewed individually. He said in this situation enforcing a sign height of 8 feet is a hardship, pointing out in this location it would be like not having a sign. He added he appreciates the difficulty the 45 square feet presents to some Commissioners.

Commissioner McClelland said in her opinion this is not the place to change anything (sign ordinance) and the Zoning Board should hear this (sign variance) not the Commission. Mr. Larsen interjected and said it is not unusual to have the Commission and Council hear variance requests and not the zoning board. He pointed out all Commissioner's sit on the Zoning Board and have heard at different times at the Commission level variance requests from developer's of subdivisions, final development plans, conditional use permits, etc.

A lengthy discussion ensued between Commission Members with regard to the requested sign variances. Commission Members appeared split in their discussion. All Commissioners supported Final Development Plan approval and a sign height variance, but the proposed sign area variance divided the Commission.

Chairman Johnson called for a vote on Commissioner Byron's motion to recommend Final Development Plan approval and approval of the freestanding sign as presented. Ayes; Byron, Workinger, Runyan, Johnson. Nays; Lonsbury, Swenson, McClelland, Brown. Motion failed.

Chairman Johnson clarified for the Council the way he interprets the proceedings is the Commission recommends approval of the Final Development Plan for the site and building but has no recommendation with regard to signage.

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**LD-02-8                      6201 Association and Charles and Lynette Walling  
6201 Brookview Avenue**

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Mr. Larsen informed the Commission a recent survey on the property indicated that the irrigation system for 6201 Brookview Avenue encroached on the property of 4213 West 62<sup>nd</sup> Street. It was assumed that the power pole was on the property line, when it was actually about 3 feet east of the line. The proposed lot division would place the irrigation system on the Brookview property, avoiding the cost of relocating the system. Both properties continue to comply with ordinance requirements.

Mr. Larsen concluded staff recommends approval.

Commissioner Workinger moved to recommend lot division approval. Commissioner Swenson seconded the motion. All voted aye; motion carried.

**III.     OTHER BUSINESS:**

Mr. Larsen reminded the Commission in their previous packet a draft tree ordinance was provided. At this time Mr. Larsen explained the Council is considering adding a "Tree Ordinance" to the Code, and looking at ordinances from other cities. Mr. Larsen informed the Commission in a months time the Commission should have available to them a draft ordinance preferred by City Council.

**IV.     COMMISSION BUSINESS:**

Commission Members were informed the City of Richfield will hold a meeting on Monday, October 7, 2002, at 4 PM. All Commissioner Members are welcome to attend. The topic is - Associating Fully Developed Suburbs/2030 Metropolitan Council Blueprint.

**V.     ADJOURNMENT:**

The meeting was adjourned at 9:00 PM

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Jackie Hoogenakker

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